

**DECLARATION FOR PATENT APPLICATION**  
(Includes Reference to PCT International Applications)

ATTORNEY'S DOCKET NUMBER  
342312003700

As a below named inventor I hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names,

We believe we the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CYCLIC PEPTIDE ANTIFUNGAL AGENTS**

the specification of which (check only one item below):

- ☐ is attached hereto.
- ☐ was filed as United States application  
Serial No.  
on  
and was amended on (if applicable).
- ☒ was filed as PCT international application  
Number PCT/US99/29914  
on December 15, 1999  
and was amended under PCT Article 19  
on (if applicable).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 Code of Federal Regulations § 1.56(a) and (b).

We hereby claim foreign priority benefits under Title 35 United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119:**

COUNTRY (if PCT indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
United States	60/112,434	December 16, 1998	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

<b>Declaration for Patent Application (Continued)</b> (Includes Reference to PCT International Applications)				ATTORNEY'S DOCKET NUMBER 342312003700	
We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:					
<b>PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120:</b>					
U.S. APPLICATIONS				STATUS (Check one)	
U S APPLICATION NUMBER	U S FILING DATE	PATENTED	PENDING	ABANDONED	
PCT APPLICATIONS DESIGNATING THE U.S.				STATUS (Check one)	
PCT APPLICATION NUMBER	PCT FILING DATE	U S SERIAL NUMBERS ASSIGNED (if any)	PATENTED	PENDING	ABANDONED
Send correspondence to: Madeline I. Johnston Morrison & Foerster LLP 755 Page Mill Road Palo Alto, California 94304-1018			Direct telephone calls to: Madeline I. Johnston at (650) 813-5840		
201	FULL NAME OF INVENTOR	FAMILY NAME <u>RODRIGUEZ</u>	FIRST GIVEN NAME <u>John</u>	SECOND GIVEN NAME <u>Michael</u>	
	RESIDENCE & CITIZENSHIP	CITY <u>Indianapolis IN</u>	STATE OR FOREIGN COUNTRY <u>Indiana</u>	COUNTRY OF CITIZENSHIP <u>United States of America</u>	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>1825 Sailing Court</u>	CITY <u>Indianapolis</u>	STATE & ZIP CODE/COUNTRY <u>Indiana 46260</u>	
202	FULL NAME OF INVENTOR	FAMILY NAME <u>JAMISON</u>	FIRST GIVEN NAME <u>James</u>	SECOND GIVEN NAME <u>Andrew</u>	
	RESIDENCE & CITIZENSHIP	CITY <u>Indianapolis IN</u>	STATE OR FOREIGN COUNTRY <u>Indiana</u>	COUNTRY OF CITIZENSHIP <u>United States of America</u>	
	POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>6711 Eagle Point Drive North, Apt. 1C</u>	CITY <u>Indianapolis</u>	STATE & ZIP CODE/COUNTRY <u>Indiana 46254</u>	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.					
SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202			
DATE <u>9/19/01</u>		DATE <u>9/19/01</u>			

Please direct all written communications relative to this application to:

Madeline I. Johnston  
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018

Please direct all telephone communications to Madeline I. Johnston at (650) 813-5840.

Eli Lilly and Company  
an Indiana corporation

Dated:

9/19/01

*Douglas K. Norman*

Name: Douglas K. Norman  
Title: Deputy General Patent Counsel  
Address: Lilly Corporate Center  
Indianapolis, Indiana 46285

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael J. RODRIGUEZ, et al.

Serial No.: 09/868,347

371 Filing Date: June 15, 2001

For: CYCLIC PEPTIDE ANTIFUNGAL  
AGENTS

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Eli Lilly and Company, the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Lisa A. Amii (Reg No. 48,199)  
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Sanjay S. Bagade (Reg No. 42,280)  
Shantanu Basu (Reg No. 43,318)  
Vincent J. Belusko (Reg No. 30,820)  
Kimberly A. Bolin (Reg No. 44,546)  
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Brenda J. Wallach (Reg No. 45,193)  
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Parisa Jorjani (Reg No. 46,813)  
Richard C. Kim (Reg No. 40,046)  
Lawrence B. Kong (Reg No. P49,043)  
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Arleen Palmberg (Reg No. 40,422)  
Charles E. Cohen (Reg No. 34,565)

of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone (650) 813-5600, or of Eli Lilly and Company, Lilly Corporate Center, Indianapolis, Indiana 46285 to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

**ASSIGNMENT**

**WHEREAS** we, Michael John RODRIGUEZ and James Andrew JAMISON (hereinafter referred to as the assignors), residing at 1825 Sailing Court, Indianapolis, Indiana 46260, and 6711 Eagle Point Drive North, Apartment 1C, Indianapolis, Indiana 46254 have made an invention which is the subject of a Patent Cooperation Treaty ("PCT") patent application entitled CYCLIC PEPTIDE ANTIFUNGAL AGENTS, PCT/US09/868,347, filed June 15, 2001 ("Application"); and

**WHEREAS ELI LILLY AND COMPANY**, an Indiana corporation having its principal place of business at Lilly Corporate Center, Indianapolis, Indiana 46285, wishes to acquire the entire interest in all inventions disclosed in such Application;

**NOW, THEREFORE**, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, we hereby sell, assign, transfer and set over unto Eli Lilly and Company, its successors and assigns (collectively "Lilly") our entire right, title and interest in, to and under the Application, including all priority rights for other countries arising therefrom, all inventions therein disclosed, and any and all present or future patent applications to such inventions that may be filed in the United States or any foreign country, inclusive of, but not limited to, continuations, continuations-in-part, divisions, substitutions, reexaminations, reissues, international applications under the Patent Cooperation Treaty ("PCT"), United States provisional patent applications, certificates of addition, utility models, petty patents, as well as all other intellectual property related to the Application, inclusive of, but not limited to, supplementary protection certificates, copyrights, trademarks, and data package exclusivity rights; and any and all Letters Patent of the United States and of all foreign countries and all related patent term extensions which may be granted for Letters Patent with respect to the Application; all of the above to be held and enjoyed by Lilly for its own use and enjoyment to the full end of the term or terms for which such Letters Patent and related intellectual property rights may be granted, as fully and entirely as the same would have been held and enjoyed by us had this Assignment and sale to Lilly not been made.

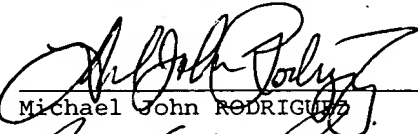

For ourselves and for our heirs, successors and legal representatives, we covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Assignment.

For ourselves and for our heirs, successors and legal representatives, we further covenant and agree with Lilly that upon request we and they will, without further consideration than that now paid, but at the expense of Lilly: (i) execute original, provisional, substitute, continuation, divisional, continuation-in-part, reexamined, or reissued applications, amended specifications, or rightful declarations or oaths for such application; (ii) communicate to Lilly any facts known to us or them relating to such inventions or the history thereof; (iii) execute preliminary statements and testify in any

interference proceedings, litigation discovery proceedings and depositions, oppositions, cancellation proceedings, priority contests, public use proceedings, administrative agency proceedings, litigation and other court actions and the like; (iv) execute and deliver any application papers, affidavits, declarations, assignments, or other instruments; and (v) do all other acts which, in the opinion of counsel for Lilly, may be necessary or desirable to secure the grant of Letters Patent and related intellectual property to Lilly or its nominees, in the United States and in all other countries where Lilly may desire to have such inventions, or any of them, patented, with specifications and claims in such form as shall be approved by counsel for Lilly and to vest and confirm in Lilly or its nominees the full and complete legal and equitable title to all such Letters Patent and related intellectual property.

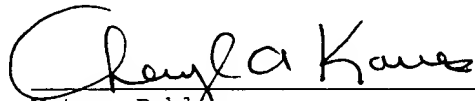
IN WITNESS WHEREOF we have executed this assignment on the date indicated below.

Sept. 19, 2001  
Date

  
\_\_\_\_\_  
Michael John RODRIGUEZ  
  
\_\_\_\_\_  
James Andrew JAMISON

STATE OF INDIANA            )  
                                  ) ss:  
COUNTY OF MARION        )

Before me, a Notary Public for Johnson County, State of Indiana, personally appeared Michael John RODRIGUEZ and James Andrew JAMISON and acknowledged the execution of the foregoing instrument this 19<sup>th</sup> day of September, 2001.

  
\_\_\_\_\_  
Notary Public

My commission expires:

5-10-07